

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Patent Application**

I hereby certify that this transmittal of the below described documents is being deposited with the United States Postal Service in an envelope bearing Express Mail Postage and an Express Mail label, with the below serial number, addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the below date of deposit.			
Express Mail Label No.:	EL996555613US	Name of Person Making the Deposit:	Anthony Chou
Date of Deposit:	09/11/03	Signature of the Person Making the Deposit:	<i>Anthony Chou</i>

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b)

This is a request for filing a Continuation application under 37 CFR 1.53(b), of pending prior application

Serial No. 09/431,675 filed on 11/01/99  
 of Michael D. Murphy  
Inventor(s)  
 for METHOD FOR SENDING MESSAGE THAT INDICATES POSITION AND MESSAGE  
TRANSMISSION DEVICE AND MESSAGE TRANSMISSION SERVER  
Title of invention

**Copy of Prior Application as Filed That is Attached**

☒ A copy of the above identified prior application, including the oath or declaration originally filed, with no new matter added is attached.

The copy of the papers of prior application as filed which are attached are as follows:

<input checked="" type="checkbox"/>	<u>32</u>	page(s) of specification
<input checked="" type="checkbox"/>	<u>8</u>	page(s) of claims
<input checked="" type="checkbox"/>	<u>1</u>	page(s) of abstract
<input checked="" type="checkbox"/>	<u>8</u>	sheet(s) of drawing
<input checked="" type="checkbox"/>	<u>2</u>	page(s) of declaration and power of attorney

☒ in accordance with the indication required by 37 CFR 1.53(b), my records reflect that the original signed declaration showing applicant's signature was filed on 11/01/99

☐ the amendment referred to in the declaration filed to complete the prior application and I hereby state that this amendment did not introduce new matter therein.

17497 U.S. PRO  
 10/662016  
 09/11/03

### Amendments

☒ Cancel in this application original claims 2-32 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes)

☐ A preliminary Amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application)

### Information Disclosure Statement

☐ An information disclosure statement is submitted herewith

### Drawings

☒ Drawings are enclosed

☒ formal  
☐ informal

### Priority Claim

#### 35 U.S.C. 119

☐ Priority of application Serial Number \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ in \_\_\_\_\_

☐ The certified copy will follow. \_\_\_\_\_

#### 35 U.S.C. 120, 121 and 365(c)

"This application is a continuation of and claims the benefit of copending application(s)

☒ application number 09/431,675 filed on 11/01/99  
☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_

and which designated in the U.S."

### Relate Back

☒ Amend this specification by inserting, before the first line, the following sentence:

"This is a continuation of copending application(s)

☒ Serial Number 09/431,675 filed on 11/01/99

which is hereby incorporated by reference to this specification

☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_

which designated the U.S."

### Inventorship Stat ment

(a) With respect to prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application are:

- ☒ the same.  
☐ less than those named in the prior application. It is requested that the following inventor(s) identified above for the prior application be deleted:

.....  
*Type names of inventors to be deleted*

(b) The inventorship for all the claims in this application are

- ☒ the same.  
☐ not the same. And an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

### Assignment

- ☒ The prior application is assigned of record to  
TRIMBLE NAVIGATION LIMITED  
.....  
☐ An assignment of the invention to  
.....  
is attached. A separate "Cover Sheet for Assignment (Document) Accompanying New Patent Application" or Form PTO 1595 is also Attached.

### Power of Attorney

- ☒ The power of attorney in the prior application is to
- |                     |          |
|---------------------|----------|
| James P. Hao        | 36,398   |
| Attorney            | Reg. No. |
| Anthony C. Murabito | 35,295   |
| Attorney            | Reg. No. |
| John P. Wagner, Jr. | 35,398   |
| Attorney            | Reg. No. |
| Glenn D. Barnes     | 42,293   |
| Attorney            | Reg. No. |
| Wilfred H. Lam      | 41,923   |
| Attorney            | Reg. No. |
| Patrick W. Ma       | 44,215   |
| Attorney            | Reg. No. |

- a. ☒ The power appears in the original papers in the prior application.  
b. ☐ Because the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
c. ☐ A new power has been executed and is attached.  
d. ☐ Address all future communications to

### Maintenance of Codependency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term pending prior application until  
.....  
☐ A copy of the petition for extension of time in the prior application is attached.

**Conditional Petition for Extension of Time in Prior Application**

- ☒ A conditional petition for extension of time is being filed in the pending parent application.  
☒ A copy of the conditional petition for extension of time in the prior application is attached

**Abandonment of Prior Application (if applicable)**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

**Notification in Parent Application of the Filing of This Continuation Application**

- ☒ A notification of the filing of this continuation is being filed in the parent application from which this application claims priority under 35 USC § 120.

**Statement by Assignee (if applicable)**

- ☐ In accordance with 37 CFR 3.73, I have reviewed the evidentiary documents establishing my/our ownership of the application identified herein, and certify that to the best of my/our knowledge and belief, title is with me/us who seek to take action.  
☐ Assignment submitted herewith for recordal

I hereby declare further that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Type or print name of person signing declaration .....

Signature ..... Date .....

Residence ..... Citizenship .....  
(City) (State)

P.O. Address .....

.....  
(type name of assignee)

.....  
Title of person authorized to sign on behalf of assignee

.....  
Address of Assignee

Assignment recorded in PTO on ..... Reel ..... Frame .....

The statement under 37 CFR 3.73(b)

- ☐ has been filed in the parent application.  
☐ a copy of the statement previously filed in the parent application is attached.

### Fee Calculation

CLAIMS AS FILED					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEES
Basic Application Fee					\$750.00
Total Claims	1	Minus 20=	0	X \$18 =	\$0.00
Independent Claims	1	Minus 3=	0	X \$84 =	\$0.00
If multiple dependent claims are presented, add \$260.00					\$0.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$750.00</b>

### PAYMENT OF FEES

1. The full fee due in connection with this communication is provided as follows:
- ☒ [ x ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.
- ☐ [ x ] A check in the amount of \$750.00


☐ [ ] Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060

Respectfully submitted,

Date: 9/11/03

By:   
John P. Wagner, Jr.  
Reg. No. 35,398


Inventor(s): Michael D. Murphy

Title: METHOD FOR SENDING MESSAGE THAT INDICATES POSITION AND  
MESSAGE TRANSMISSION DEVICE AND MESSAGE TRANSMISSION SERVER

**REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. 122(b)(2)(B)(i)**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Date: 9/11/03

By:   
John P. Wagner, Jr.  
Reg. No. 35,398

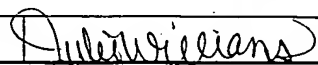
This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the below date of deposit.			
Date of Deposit:	09/11/03	Name of Person Making the Deposit:	Julie Williams
		Signature of the Person Making the Deposit:	

In re Application

Inventor(s): Michael D. Murphy

Application No.: 09/431,675

Filed: 11/01/99

Title: METHOD FOR SENDING MESSAGE THAT INDICATES POSITION AND MESSAGE TRANSMISSION DEVICE AND MESSAGE TRANSMISSION SERVER

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

NOTIFICATION OF FILING OF CONTINUATION APPLICATION CLAIMING  
 BENEFIT OF FILING DATE  
 (THIS IS NOT A REQUEST FOR A CPA FILING)

☒ Notification is hereby being made of the filing of a continuation application claiming benefit for filing date for this case


☒ concurrently herewith.  
☐ on .....

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
 Two North Market Street, Third Floor  
 San Jose, California 95113  
 (408) 938-9060

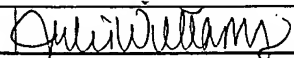
Respectfully submitted,

Date: 9/11/03

By:   
 John P. Wagner, Jr.  
 Reg. No. 35,398

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

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Date of Deposit:	09/11/03	Name of Person Making the Deposit:	Julie Williams
		Signature of the Person Making the Deposit:	

In re Application of:

Inventor(s): Michael D. Murphy

Application No.: 09/431,675

Filed: 11/01/99

Title: METHOD FOR SENDING MESSAGE THAT INDICATES POSITION AND MESSAGE TRANSMISSION DEVICE AND MESSAGE TRANSMISSION SERVER

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

CONDITIONAL PETITION FOR EXTENSION OF TIME

This conditional petition is being filed concurrently with the filing of a CONTINUATION APPLICATION

and provides for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**Conditional petition for extension of time**

If any extension of time for the accompanying response is required, applicant requests that this be considered a petition therefor.

**Status**

This application is on behalf of

- ☒ other than a small entity  
☐ a small entity

A verified statement:

- ☐ is attached  
☐ is already filed

- [ x ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.



Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060

Respectfully submitted,

Date: \_\_\_\_\_

9/11/03

By: \_\_\_\_\_

John P. Wagner, Jr.  
Reg. No. 35,398